

**From:** [Gray, David](#)  
**To:** [Tanimura, Erin](#)  
**Cc:** [Gee, Randy](#)  
**Subject:** Re: ACTION: Region 6 Weekly Update September 28  
**Date:** Tuesday, September 28, 2021 4:14:43 PM

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i forgot. will do tonight

David Gray  
Acting Regional Administrator  
EPA Region 6 - Arkansas, Louisiana, New Mexico, Oklahoma, Texas  
214-665-8120 o  
(b) (4), (b) (6)

On Sep 28, 2021, at 4:08 PM, Tanimura, Erin <Tanimura.Erin@epa.gov> wrote:

David, I'm recirculating to make sure you saw the draft weekly. Water Division issued the NACA interim objection letter this afternoon, so I have updated below to reflect that it went out today.

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## **R6 Weekly Update September 28, 2021**

### **Section 1: N/A**

### **Section 2: Regional Administrator Signature Items (R6 POC: David Gray, (b) (6)).**

- **Grambling State University, Louisiana:** By **September 30**, R6 and OECA intend to sign an MOU with Grambling State University in Louisiana to formalize a partnership and enhance collaboration.
- **Ozone Nonattainment Area, Sunland Park, New Mexico:** By **October 6**, R6 intends to propose revisions to the New Mexico SIP to meet the Emissions Inventory and Emissions Statement requirements of the CAA for the Sunland Park, New Mexico, ozone nonattainment area for the 2015 8-hour ozone NAAQS.
- **SO<sub>2</sub> SIP Revision, Rusk-Panola, Texas:** By **October 13**, R6 intends to file comments on Texas's proposed SO<sub>2</sub> attainment SIP for the nonattainment area in the vicinity of the Martin Lake power plant. The SIP addresses the requirements of Clean Air Act Subtitle D's nonattainment area planning requirements. R6 has noted and discussed with the Texas Commission on Environmental Quality several concerns with the proposed SIP.

- **SIP Revisions, Oklahoma:** By **October 15**, R6 approval of revisions to the Oklahoma SIP to update general provisions definitions and incorporation by reference provisions.
- **RCRA Clusters XXIV – XXVI, Arkansas:** R6 approval of authorization for RCRA Clusters XXIV through XXVI to the State of Arkansas. The purpose of this Final Rule is to authorize the State for eleven additional federal hazardous waste rules contained in the State of Arkansas program revision applications. The proposal to issue this authorization was published on June 11; the public comment period closed July 12. No comments were received during the public comment period.

### **Section 3: Hot Topics**

#### **Major policy, regulatory, compliance, or enforcement activities**

- **Denka Performance Elastomers, LaPlace, Louisiana:** R6 shared Denka's approved protocol to monitor chloroprene and 1,3-butadiene at the Denka facility fence line with the Concerned Citizens of St. John and other stakeholders in Louisiana who had raised concerns about fence line monitoring activities. Denka is required to begin monitoring using EPA-approved methods by **October 14** and continue until December 2024, unless EPA agrees in writing that Denka may cease monitoring and reporting earlier. R6 will make the data available to the public after completing a quality assurance review. All Continuous Air Monitoring Program (SPod) locations are operational. Five canisters were dynamically triggered at different locations between September 14 and September 19.
- **Northwest Arkansas Conservation Authority, Bentonville, Arkansas:** On **September 28**, R6 issued an interim objection letter to the Arkansas Division of Environmental Quality regarding the proposed draft Arkansas NPDES permit for the Northwest Arkansas Conservation Authority regional wastewater treatment facility in Bentonville, Arkansas. The current drafted ADEQ permit considers raising the Total Phosphorus limit from 0.1 mg/l to 0.5 mg/l, principally based on the Illinois River MOA between Arkansas and Oklahoma, not necessarily based on CWA requirements for water quality-based permits. The discharges from this facility are significant since these are to Osage Creek then to the Illinois River, which R6 determined were not only impaired in Oklahoma, but also in Arkansas based upon the State's narrative criterion. R6 has had numerous conversations with ADEQ to see if additional justification for the 0.5mg/L total phosphorus limit could be provided. The additional dialogue and information provided by ADEQ has been determined to not support increasing the TP concentration limit.
- **Lake Oologah-Winganon Area, Rogers County, Oklahoma:** This week, R6 plans to begin well plugging operations at Lake Oologah, Rogers County, Oklahoma. Three previously identified wells remain to be plugged and abandoned (P&A) at this site. R6 has a property access agreement for two of the three. The Oklahoma Corporation Commission (OCC) has identified two additional wells for evaluation and potential plugging. The Cherokee Nation plans to send a representative to observe these well plugging operations.

- **NPDES Program, Texas: On September 23**, EPA received a Petition for Corrective Action or, Alternatively, Withdrawal of TPDES Delegation from the State of Texas on behalf of numerous environmental interest groups in Texas. The petition requests that EPA require Texas to correct the identified deficiencies in the Texas Pollutant Discharge Elimination System (TPDES) program. Should Texas fail to correct these deficiencies, the petition requests that EPA withdraw Texas' delegated authority to administer the NPDES permitting program under the CWA.
- **Industrial Flyovers, Louisiana: On September 20**, R6 remobilized the flyover survey of industrial facilities to complete areas in the southeastern part of Louisiana. The goal of the industrial flyover survey is to evaluate these facilities to determine the presence of significant unauthorized or underreported emissions of VOCs and HAPs. The flyover survey will be completed by the end of September.
- **January Environmental Services, Inc., Oklahoma City, Oklahoma: On September 17**, the Court granted EPA/DOJ's motion to add January Transport, Inc., the owner of the property where the January Environmental Services facility is located in Oklahoma City, Oklahoma, as a defendant in the case and substantially granted the government's motion to compel defendants to provide documents as requested by October 15. The case involves violations the used oil regulations under RCRA.
- **Allied Bioscience, Plano, Texas: On September 17**, EPA issued a letter to UPS granting Allied BioScience's request to move the product SurfaceWise 2 back to the company's custody. On September 17, EPA also met with Allied BioScience and provided an overview of the company's compliance issues regarding foreign purchaser acknowledgment statements and the product's label for previous exports of SurfaceWise 2. EPA also provided a general civil penalty estimate at the request of the company, but is still awaiting financial documentation from Allied BioScience needed for a final civil penalty calculation. The case team is finalizing a civil penalty calculation for the various FIFRA violations (b) (5) [Confidential]
- **Gretna Plating and Polishing, Gretna, Louisiana: On September 19**, R6 responded to a request from the New Orleans Regional Planning Commission for an emergency removal to address hazardous substances inside the former Gretna Plating and Polishing facility in Gretna, Louisiana, as well as an emergency demolition of the building due to concerns about its structural integrity. The facility is in a residential area of Gretna and had been compromised by Hurricane Ida. A structural engineer provided by the City of Gretna assessed the structural integrity of the building and confirmed it was stable. R6 contractors conducted air monitoring to confirm no hazards were present during operations and secured the property. By **October 8**, R6 will return to the Gretna Plating and Polishing site to bulk waste materials and arrange for off-site disposal.
- **Dos Republicas Coal Partnership, Eagle Pass, Texas: On September 2**, the

Texas Commission on Environmental Quality (TCEQ) submitted additional information in response to R6's Interim Objection letter requesting more information for the proposed TPDES permit for Dos Republicas Coal Partnership – Eagle Pass Mine in Eagle Pass, Texas. R6 had requested further information to determine compliance with the CWA, specifically, the requirement for the facility operator to obtain a permit. This issue has been raised in the Texas Court of Appeals and is pending final decision from the Texas Supreme Court. R6 and the TCEQ will schedule a conference call to discuss resolution of the issue, and R6 will recommence the permit review process after receipt of TCEQ's formal response.

- **Los Alamos National Laboratory, Los Alamos County, New Mexico:** On **September 23**, EPA filed the Administrative Index in the 10th Circuit for Los Alamos County's lawsuit regarding EPA's decision to designate small MS4s for NPDES permitting. EPA's petition to dismiss the appeal on jurisdictional grounds, asserting that the case belongs in the District Court, is still pending. The lawsuit concerns R6's December 16, 2019 decision designating for NPDES permitting small MS4s located in the portion of Los Alamos County, New Mexico within the Los Alamos Urban Cluster as defined by the latest Decennial Census. The 2019 designation decision also designated small MS4s located on LANL property located within Los Alamos County and Santa Fe County, New Mexico, as requiring NPDES permit coverage.
- **WildEarth Guardians, New Mexico:** On **September 20**, WildEarth Guardians petitioned R6 under Section 553(e) of the Administrative Procedure Act to find that the New Mexico Environment Department (NMED) is not adequately administering its CAA Title V permitting program. The petition asserts that there are almost two dozen oil and gas major sources in the state that failed to submit a timely Title V permit application and are improperly operating without an approved Title V permit. In order to evaluate the September 20 petition, R6 will obtain the necessary permit information for specific facilities listed in the petition, as well as conduct a review of our regulatory approval of the NMED permit program in comparison to how NMED is implementing the program.
- **Mosaic Fertilizer, Uncle Sam Plant, Convent, Louisiana:** The Mosaic Fertilizer Uncle Sam Plant in Convent, Louisiana, is still without power and may be for another month. It is running on diesel generators, and LDEQ seemed confident that Mosaic will be able to continue to procure diesel fuel. The facility has continued to build up its dikes using gypsum from Stack 4, and currently has over six feet of freeboard, which should be enough to handle routine rainfall until the facility regains power unless another major storm comes through. LDEQ is not providing Mosaic approval to move its pH monitor. If Mosaic must discharge from its 003 and 004 outfalls simultaneously, it will be in violation of its permit. LDEQ enforcement does not believe that Mosaic will have to discharge from both outfalls simultaneously under the current situation.
- **Churchill Downs, New Orleans, Louisiana:** R6 expects the Motion to Enter

the Consent Decree with Churchill Downs Louisiana Horseracing d/b/a Fair Grounds Corporation (Fair Grounds), New Orleans, Louisiana, to be filed by **September 30**.

**Major events, emergencies/incidents, or meetings**

- **Lane Plating Superfund Site, Dallas, Texas:** On **September 16**, R6 held a virtual meeting with the Lane Plating Community Advisory Group and the Dallas Sierra Club. The CAG and Sierra Club raised questions on detections of arsenic in soil collected from residential yards northeast of the Lane Plating Superfund Site in Dallas, Texas, on the human health effects of arsenic, and on possible risk reduction techniques for residents with arsenic above screening levels. R6 provided responses describing possible alternate sources of arsenic, arsenic persistence in soil, and exposure routes of arsenic. A public meeting will be planned with the assistance of the CAG later this year to present and discuss results with the community.
- **Chevron Questa Mine Superfund Site, Questa, New Mexico:** On **September 22**, R6, in coordination with Chevron Mining, Inc., the New Mexico Environment Department, and the New Mexico Energy, Minerals, and Natural Resources Department, met virtually with local officials from the Village of Questa and Taos County. The meeting provided an update to local officials on site cleanup work status.
- **National Energy Advisory Team:** On **September 27**, R6 hosted the National Energy Advisory Team biweekly meeting, which included an update on the STRONGER MOU development, the IOGCC annual conference and the IOGCC-EPA Taskforce meeting as well as member led topics. OAQPS provided an update on regulation development regarding methane controls in the oil & gas sector.
- **SAFETEA Consultations, Oklahoma:** Individual tribal consultations scheduled with Osage Nation (**Sept. 28**); Cherokee Nation (**Oct. 1**); Choctaw Nation (**Oct. 1**); Quapaw Nation (**Oct. 13**); Muscogee Creek Nation (**Oct. 13**).
- **CenSARA Meeting:** On **September 28-29**, R6 and R7 will participating in a meeting with state Directors from the Central States Air Resource Agencies (CenSARA). The purpose of the meeting is to exchange air quality information, knowledge, experience and data among each organization.
- **Ethylene Oxide, Louisiana:** Virtual community meeting on ethylene oxide in Westlake, La (**Sept. 30**).
- On **October 6**, R6 Acting RA will speak at the virtual Arkansas Environmental Federation Convention with Secretary of Arkansas Department of Energy & Environment.
- On **October 12**, R6 Acting RA will speak at the Environmental Federation of Oklahoma annual meeting in Tulsa, Oklahoma.

**Section 4: N/A**

